

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
National A-1 Advertising, Inc.	)	
and 811 Direct, Inc.,	)	
	)	
Complainants,	)	
	)	
v.	)	File No. EB-02-TC-F-003
	)	
BellSouth Telecommunications, Inc.,	)	
	)	
Defendant.	)	

**ORDER**

**Adopted: September 27, 2002**

**Released: October 1, 2002**

By the Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau:

1. On June 10, 2002, National A-1 Advertising, Inc. and 811 Direct, Inc (Complainants) filed a formal complaint against BellSouth Telecommunications, Inc. (Defendant), pursuant to Section 208 of the Communications Act of 1934, as amended (the Act).<sup>1</sup> In the complaint, they alleged that Defendant had violated sections 201(a), 201(b), 202(a), and 214 of the Act<sup>2</sup> by refusing to continue providing for Complainants abbreviated dialing code services or substitute dialing arrangements.<sup>3</sup> Subsequent to that filing by Complainants, the parties to this proceeding reached a settlement of their dispute. On August 29, 2002, Complainants filed a letter requesting dismissal of their complaint without prejudice.

2. We are satisfied that allowing the withdrawal of this complaint will serve the public interest by promoting the private resolution of disputes and by reducing the expenditure of further time and resources by the parties and by this Commission. Furthermore, we believe that it is appropriate to dismiss this complaint without prejudice because Defendant has not yet filed its answer to the complaint.<sup>4</sup>

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 201(b), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201(b), 208, and the authority

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<sup>1</sup> 47 U.S.C. § 208.

<sup>2</sup> *Id.* §§ 201(a), 201(b), 202(a), 214.

<sup>3</sup> *See* Formal Complaint of National A-1 Advertising, Inc., and 811 Direct, Inc., at ii (filed June 10, 2002).

<sup>4</sup> *See McLeodUSA Publishing Company v. U S West Communications, Inc.*, Order, 15 FCC Rcd 7957 (Mkt. Disp. Res. Div., Enf. Bur. 2000) (appropriate to grant dismissal without prejudice because defendant has not yet filed its answer to complaint). *Accord* Fed. R. Civ. P. 41(a)(1) (allowing a plaintiff to dismiss an action without prejudice by filing a notice of dismissal before service of an answer by the adverse party). Here, we postponed, as a matter of discretion, the filing date for Defendant's answer because the parties were actively pursuing settlement.

delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the formal complaint of National A-1 Advertising, Inc. and 811 Direct, Inc., filed on June 10, 2002, is DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Kurt A. Schroeder  
Deputy Chief  
Telecommunications Consumers Division  
Enforcement Bureau